



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,879	07/21/2006	Kent Aaron Nixon	4507-1011	9590
466 7590 09/03/2010 YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314			EXAMINER WOOD, KIMBERLY T	
			ART UNIT 3632	PAPER NUMBER
			NOTIFICATION DATE 09/03/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary

Application No.

10/568,879

Applicant(s)

NIXON ET AL.

Examiner

KIMBERLY T. WOOD

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This is an office action for serial number 10/568,879.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 43-56 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the construction and arrangement of the holder engaging portion and the attachment device engaging portion being such that the holder and the object attachment device are engaged by orientating the holder engagement portion and the attachment device engaging portion in a predetermined relative angular disposition in the selected plane, does not reasonably provide enablement for the construction and arrangement of the holder engaging portions being such that the holder and the object attachment device are engaged by orientating the holder engagement portion and the attachment device engaging portion in a predetermined relative angular disposition in the selected plane. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly

connected, to make the invention commensurate in scope with these claims.

Claim 44 recites the limitation "the holder" in line 2. There is insufficient antecedent basis for this limitation in the claim. When referring to the drink container holder or the holder engagement portion the applicant needs to display the entire term either the "drink container holder" or the "holder engagement portion" since both elements include the term "holder" and the examiner can not be sure to which of the two elements the applicant is referring to when using only the term "holder".

Claim 45 recites the limitation "the holder" in line 2. There is insufficient antecedent basis for this limitation in the claim. When referring to the drink container holder or the holder engagement portion the applicant needs to display the entire term either the "drink container holder" or the "holder engagement portion" since both elements include the term "holder" and the examiner can not be sure to which of the two elements the applicant is referring to when using only the term "holder".

Claim 46 recites the limitation "the holder" in line 3. There is insufficient antecedent basis for this limitation in the claim. When referring to the drink container holder or the

holder engagement portion the applicant needs to display the entire term either the "drink container holder" or the "holder engagement portion" since both elements include the term "holder" and the examiner can not be sure to which of the two elements the applicant is referring to when using only the term "holder".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43-56 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Leasure 6,679,465 in view of Kurtz 5,996,957. Leasure discloses an object attachment device (34, 36 and 25) comprising a bracket having at least two parts including a fastening recess (34), support means (41), fastening means (38), a holder (42), a holder engagement portion (32) having a receptacle having an entry slot, attachment device engaging portion (39) separable from the holder having a projection having at least two projecting portions on either

side of the shaft (threads on bolt) and a shaft (the elongated shaft of bolt 39). Leasure discloses all of the limitations of the claimed invention except for the drink holder being a ring and a frame. Kurtz teaches that it is well known to have a drink holder having a ring (26) and a frame (24 and 18). It would have been obvious to one having ordinary skill in the art to have modified Leasure to have included the ring and frame as taught by Kurtz for the purpose of allowing the device to support various type of objects including bows and cylindrical objects including drinks. The modified version of Leasure in view of Kurtz would allow for the object holder of Leasure to be removed by removing the bolt (39 of Leasure) and then replacing it with a similar object holder which includes a ring and frame (as taught by Kurtz) but includes the plate member 48 including the ratchet faces (as taught by Leasure). Leasure in view of Kurtz discloses all of the limitations of the claimed invention except for the connector holder being a entry slot. It would have been obvious to one having ordinary skill in the art at the time of the invention to have made the entry opening (32 of Leasure) having a shape of an entry slot since such a modification is merely a reversal of parts since the opening of the holder (42) is an entry slot (see column 2, lines 25ff) to prevent the rotation of the bolt since it has been held that a mere reversal of the essential working parts of a device

involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Response to Arguments

Applicant's arguments filed July 1, 2010 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In response to applicant's argument that Leasure is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Leasure clearly teaches a holder member including a object attachment device which rotate relative to one another therefore being reasonably pertinent to the particular problem.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY T. WOOD whose telephone number is (571)272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimberly T. Wood/
Kimberly T. Wood
Primary Examiner
Art Unit 3632

August 30, 2010